

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-091220

02/25/2014

COMM. VERONICA W. BRAME

CLERK OF THE COURT
L. Hart
Deputy

IV-D ATLAS NO. 000190654500 (mom to pay dad)
IV-D ATLAS NO. 000494816903 (dad to pay mom)
STATE OF ARIZONA, EX REL, DES
ERIC DUARTE

ERIC DUARTE
656 E ERIE ST
CHANDLER AZ 85225

AND

TONIA LARISSA LIU

TONIA LARISSA LIU
1090 W AYRSHIRE TRAIL
SAN TAN VALLEY AZ 85143

AG-CHILD SUPPORT-EAST VALLEY
OFFICE

IV-D MODIFICATION HEARING RESET

Courtroom: 304 SEF

10:24 a.m. This is the time set for Hearing on Modification of Child Support arising from Mother's pro per petition entitled *Offset Child Support* filed on December 18, 2013. The Obligor/Mother, Tonia Liu ("Mother"), is present on her own behalf. The Oblige/Father, Eric Duarte ("Father"), is neither present nor represented by counsel. The State is represented by Assistant Attorney General, Kathie A. Pearson.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, Tonia Liu is sworn.

LET THE RECORD REFLECT that Mother met informally with the Attorney General's Office for a pre-hearing conference prior to the commencement of today's hearing.

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Counsel for the State advises the Court there is no indication in the court record that Father was served with Mother's action. Father was given sole legal custody and there are no further orders giving Mother physical custody of the child. Mother indicated at conference that she has custody.

The Court is advised that the parties have two IV-D ATLAS numbers:

1. ATLAS No. 000190654500 (mom to pay dad).
 - Mother's child support arrears total approximately \$2,100.00.
 - Mother's payment on child support arrears is \$89.82 per month and Mother is paying by Income Withholding Order.
2. ATLAS No. 000494816903 (dad to pay mom).
 - Father's child support arrears total approximately \$23,000.00.
 - Father's payment on child support arrears is \$250.00 per month and Father is not currently paying.

The Court is advised that there is no current child support order in place because the last order gave the parties equal parenting time. Counsel for the State advises the Court that both Mother and Father owe child support arrears to one another and Mother is requesting an offset in order to reduce her payment on child support arrears. The Court is advised that part of Mother's payment on child support arrears is \$89.82 per month and \$262.75 of Mother's child support arrears is assigned to the State. The Court is advised that no offset can be done unless both parties agree, and Father has failed to appear. The Court is advised that the State has no objection to an offset but the State is not willing to waive the \$262.75 owed to the State by Mother.

Based upon the matters presented herein,

IT IS ORDERED resetting the **Child Support Modification Hearing in this matter to April 15, 2014 at 8:30 a.m. (15 minutes allotted)** before Commissioner Veronica Brame.

FILED: *Order to Appear* (See "**Later**" at the end of this minute entry)

The parties are to meet with the Assistant Attorney General for a pre-hearing conference at the following location:

**Maricopa County Superior Court
Southeast Court Facility**

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**Outside of Courtroom 305
222 East Javelina
Mesa, AZ 85210-6201**

The parties will be directed to the appropriate courtroom at that time.

Each party is hereby advised that in the event he/she fails to appear, the Court will proceed in his/her absence and make a decision based on the testimony and information presented, which may include entering a default judgment and/or issuing a Child Support Arrest Warrant.

10:39 a.m. Matter concludes.

LATER:

LET THE RECORD REFLECT that although Mother was provided with the Order to Appear reflecting the incorrect case number, the caption in the Order to Appear is correct. The original Order to Appear is filed under the correct case number.

****INSTRUCTIONS****
(read all instructions carefully)

IT IS ORDERED that the parties shall exchange the following information with each other and deliver a copy to the Office of the Attorney General no later than three (3) business days prior to the hearing to the following address:

**Office of the Assistant Attorney General
Department of Economic Security – Child Support Enforcement
2290 W. Guadalupe Road
Building 3
Gilbert, AZ 85233**

1. A current Affidavit of Financial Information completed by each party.
2. Copies of your Federal and State income tax returns (personal, partnership, and corporate), as well as schedules, attachments, W-2s and 1099s, for the past three years.
3. Copies of your pay stubs or statement of earnings for the last six (6) months and the name and address of the payroll office of your current employer.
4. The most recent statements or other records reflecting the amount of payments of any benefits, such as social security, SSI, AFDC or TANF, unemployment

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compensation, worker's compensation, retirement benefits and the like, as well as **all other sources of income**, e.g., trust and dividend payments, spousal maintenance, etc.

5. If either party claims that he/she is disabled and is unable to be gainfully employed, that party shall bring documentation from medical providers verifying the claim.
6. Proof of childcare expenses paid. These may be in the form of receipts, canceled checks, money orders, etc.
7. Proof of compliance with order to provide medical insurance.
8. Payment records or check stubs reflecting your payment of court-ordered support for children other than the children for whom support is sought in this proceeding, for the past twelve (12) months.
9. Proof of direct payments for support made to the custodial parent for which you are requesting credit.
10. Evidence of parentage as to children not the subject of this action.
11. Evidence of payments for support of the child(ren) of this relationship made to authorities in any other state where the custodial parent resided.

The above financial information is required to calculate the child support amount accurately. If you fail to bring this documentation to the conference and hearing, the child support ordered may not be accurate and may be to your disadvantage.

WARNING: Failure to provide the information as set forth above to the Attorney General's Office and the other parent as directed may preclude you from presenting this evidence at court. The conference and hearing will not be postponed if the above items are not provided.

**NOTICES REGARDING THE CONFERENCE AND HEARING PRE-
CONFERENCE SETTLEMENT MEETING.**

IT IS ORDERED that, unless an Order of Protection is in effect, the parties and counsel, if any, shall meet in person prior to the conference, and use their best efforts to narrow the issues in this case. In the event the parties and counsel, if any, have not met prior to the conference, they shall arrive one hour prior to the conference to discuss issues in this case.

SETTLEMENT. If a settlement is reached, the parties must give prompt notice to the court as required by Rule 5.1 (c), Arizona Rules of Civil Procedure. The parties must submit a stipulation to the Judge before the above hearing date.

RESET. The conference and hearing will not be reset unless there is good cause. **YOU MUST GIVE A COPY** of your request to reset the hearing to the Judicial Officer assigned to your case and to the other parties in this matter.

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FAILURE TO APPEAR. If the person asking for the change(s) fails to come to court AT THE TIME REQUIRED, the petition may be dismissed. If the person opposing the change(s) fails to come to court AT THE TIME REQUIRED, the Judge may grant ALL RELIEF REQUESTED IN THE PETITION AND MAY issue an ARREST WARRANT.

Do not bring children to court. Children will not be allowed in the conference or in the hearing and you may not leave them unattended.

If you require the services of an interpreter of a spoken language, or for the deaf, or if you need accommodations pursuant to American's with Disabilities Act, please call (602) 372-3070 immediately and arrangements will be made to provide those services.

Telephonic Appearances

Please be advised if you reside within the state of Arizona, this Court requires your personal appearance in the courtroom. Telephonic appearances may only be considered if you demonstrate that you i) live out of state and ii) that travel expenses to Arizona would create a serious economic hardship. If you live outside the state of Arizona and wish to appear by telephone, the appropriate Motion to Appear Telephonically must be filed.

The **Self-Service Center** of the Maricopa County Superior Court located at 222 W. Javelina, Mesa, Arizona provides forms and instructions on filing various documents. The parties may also obtain forms from the Self-Service Center website at:
<http://www.superiorcourt.maricopa.gov/superiorcourt/self-servicecenter/forms/>

Please be further advised that the technology in the courtroom has its limitations. The Court will join the caller telephonically to the courtroom hearing. Should the caller be unable to hear the proceedings and unable to participate in a meaningful way, the Court's only option is to reset the matter and the caller shall appear for the future hearing in person.

Communication with the Court

The parties are advised that since this is an open Title IV-D case, the State is an interested party; therefore the State must be endorsed on all matters pertaining to child support and must also be served with any petitions that involve child support. The parties are directed to the Office of the Assistant Attorney General, Department of Economic Security – Child Support Enforcement at the address above.

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The parties are advised that a party cannot engage in any *ex parte* communication with the Court (i.e., communication directed to the Court without knowledge of the other party). Therefore, for the Court to consider any request, all copies of any correspondence must be provided to the opposing parties.

Your pleading/motion must also tell the judicial officer the following:

- The date that the motion/pleading was filed with the Clerk of the Court.
- The date you delivered a copy of the motion to the other parties.
- The address to which the copy was sent to the other parties.
- Whether the delivery was by mail or by hand.

NOTE: If the above instructions are not followed, the pleading/motion will be rejected and not considered by the Court and will subject the filing party to re-filing their request.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.